अनिवार्य जीवन रक्षक दवाओं का उपलब्ध न होना

1111. **श्री ईश दत्त यादव:**
श्री नागमणि:

क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या सरकार को बाजार में अनिवार्य जीवन रक्षक दवाओं के उपलब्ध न होने की जानकारी है जिससे लोगों को अनेक कठिनाइयों का सामना करना पड़ रहा है;

(ख) यदि हां, तो इसके क्या कारण हैं;

(ग) क्या सरकार ने इस संबंध में कोई जांच करवाई है या करवाने का विचार रखती है;

(घ) यदि हां, तो तत्संबंधी ब्यौरा क्या है; और

(ङ) सरकार ने ये दवाएं उपलब्ध कराने के लिए क्या कदम उठाए है?

रसायन और उर्वरक मंत्री (श्री एम० अरूणाचलम): (क) से (ङ) सरकार एक पद्धति संचालित कर रही है जिसके द्वारा राज्य औषध नियंत्रकों द्वारा संबंधित निर्माता को दवाइयों की स्थानीय कमी की रिपोर्ट दी जाती है और इसकी सूचना इस विभाग को भी दी जाती है अर्थात राज्य स्तर पर कमी की मानीटरिंग की जाती है। तथापि, विभाग कमी के संबंध में प्राप्त रिपोर्ट के आधार पर संबंधित क्षेत्र में दवाइयों की तीव्रता से उपलब्धता को सुनिश्चित करने के लिए संबंधित निर्माताओं के साथ इस विषय पर विचार करता है।

प्राप्त रिपोर्ट के आम विश्लेषण से प्रकट होता है कि आवश्यक/जीवन रक्षक औषधों की आम कमी की जानकारी नहीं मिली है। तथापि कुछ खास ब्रान्ड के सूत्रयोगों की स्थानीय कमी की रिपोर्ट की गई है। इस अस्थायी कमी की स्थिति में भी यह माना गया है कि दवाइयों की नैदानिक समतुल्य आमतौर पर उपलब्ध है।

Terms of reference of drug liabilities review committee

1112. SHRI GOVINDRAM MIRI:
SHRI H. HANUMANTHAPPA

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) what are the terms of reference of Drug Liabilities Review Committee as per the resolution of 21st March, 1994 and what were the cases and the period for which they were to see the cases of liabilities;

(b) what are the other cases which were referred to this Committee and why this Committee looked at those cases which were not according to its terms of reference;

(c) what are the details of the cases considered by this Committee and from what angle the Committee looked at these cases and who is responsible for verification of facts and figures of liabilities; and

(d) what are the findings of the Committee in each of these cases and what are the decision of Government on these cases?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI M. ARUNACHALAM): (a) and (b) The terms and reference of the Drugs Prices Liabilities Review Committee (DPLRC) are contained in the Resolution No. 23(2)/93-PI-I dated 21-3-1994 which has been published in the Gazette of India, Extraordinary part I, Section 1. The tenure of the said Committee has been extended upto 20.6.1998. Since according to the judgement of the Hon'ble Supreme Court (Union of India V/s Cynamid India Ltd., AIR, 1987 SC 1802); Government is required to give an opportunity of being heard to the parties, it has been decided by the Government to refer all the cases of liablities 1979 pertaining to the entire period of DPCO 1979 to the DPLRC for its recommendations so as to afford an opportunity to be heard by independent body and to bring transparency in determination of individual liabilities of companies.

(c) and (d) The DPLR Committee has already furnished its Reports on 18 cases to the Government. In 14 Reports, the Committee has upheld the Government's claim against the parties in toto. In 3 cases, while upholding the liabilities calculated by the Government, the Hon'ble Committee has made certain observations/recommendations for

consideration of the Government. In one case, the liability of the party under DPEA has been upheld but the quantum of payment has been reduced by recalculation.

Supressing of Liabilities of M/S Hoechst

1113. SHRI H. HANUMANTHAPPA:
SHRI GOVINDRAM MIRI:

Will the MINISTER OF CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether fixation of responsibility in the case of members of the special team and Murthy Committee was ordered in 1990 for distorting records relating to production and other figures to supress liabilities in the case of M/s Hoechst and others;

(b) what action has been taken on those orders and where the matter stands at present;

(c) whether several vital papers have been removed from the file concerning Hoechst's case and if so, what steps have been taken to fix the responsibility of the members of the Drug Liabilities Review Committee and those who have been feeding this Committee; and

(d) what are the forces behind all this and what are the reasons that their activities have not been investigated?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI M. ARUNACHALAM): (a) and (c) No, Sir. There was no allegation of distortion of records relating to production and other figures to suppress liabilities in the case of M/s Hoechst & others against the members of the Special Team or Murthy Committee nor any vital papers have been removed from the concerned file.

(b) and (d) Question do not arise.

Drug Liabilities Review Committee

1114. SHRI H. HANUMANTHAPPA:
SHRI GOVINDRAM MIRI:

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether DPCO, 1979 was promulgated with effect from 31st March, 1979 but resolution dated 21st March, 1994 constituting Drug Liabilities Review Committee specifies 1981 to 1987 as the period for determining liabilities;

(b) how and on what basis this period was mentioned and at whose instance and is to it not contrary to the undertakings and the Supreme Court Judgement;

(c) whether other terms of reference of the Committee are also contradictory and is a handiwork of a few bureaucrats who have minted crores of rupees by such actions; and

(d) what steps have been taken to investigate into the matter?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI M. ARUNACHALAM): (a) Yes, Sir.

(b) to (d) The Govt. has constituted the Drugs Prices Liabilities Review Committee (DPLRC) with a view to get the entire matter relating to DPEA recoveries reviewed by it. The terms & reference of the DPLRC as contained in the Resolution No. 23(2)/93-PI-I dt. 21-3-1994 are strictly in accordance with the orders of the then Prime Minister, who was also Minister incharge of the Deptt. at that time. The period 1981-87 as specified in the Resolution is the period during which representations/review applications against the Govt.'s price fixation orders were received from the drug companies and these companies did not implement the Govt.'s fixed prices and continued charging their own prices by virtue of court's stay. However, after the judgement of the Hon'ble Supreme Court (Union of India Vs. Cynamid India Ltd., AIR, 1987 SC 1802) upholding the right of the Govt. to fix the prices of